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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,824	09/22/2000	Mark A. Hunt	07319/087001	2415
20985	7590	02/28/2005		EXAMINER
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081				CHOW, DOON Y
			ART UNIT	PAPER NUMBER
			2675	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/668,824	HUNT, MARK A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dennis-Doon Chow	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 23 October 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 14-28 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 5-13 and 29-45 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/5/02.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group II, Clams 5-13 and 29-45 in the reply filed on 10/13/04 is acknowledged.

***Claim Rejections - 35 USC § 112***

2. Claim 36 recites the limitation "said catalog". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5-11 and 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Bornhorst et al. (US 5282121).

Bornhorst discloses a programmable lighting system, comprising means for providing a device which shapes a lighting beam based on a signal that applied thereto; and a plurality of gobo layers, at least a first of said layers being a gobo image to shape the beam and a second layer forming a filter the gobo image produced by said first layer, said second layer operating to change the image of the first layer. The filter of the

light system inherently includes a function of scaling or blurring the gobo image, and an operation applied to specified layers or incrementally to an entire image since the system is programmable.

5. Claims 5-11 and 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunt et al. (US 5502627).

Hunt discloses a programmable lighting system, comprising means for providing a device which shapes a stage lighting beam based on a signal that applied thereto; and a plurality of gobo layers, at least a first of said layers being a gobo image to shape the beam and a second layer forming a filter the gobo image produced by said first layer, said second layer operating to change the image of the first layer. The filter of the lighting system inherently includes a function of scaling or blurring the gobo image, and an operation applied to specified layers or incrementally to an entire image since the system is programmable.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-13 and 36-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bornhorst et al.

Bornhorst discloses a programmable lighting system, comprising means for providing a device which shapes a stage lighting beam based on a signal that applied thereto; and a plurality of gobo layers, at least a first of said layers being a gobo image to shape the beam and a second layer forming a filter the gobo image produced by said first layer, said second layer operating to change the image of the first layer. The filter of the light system inherently includes a function of scaling or blurring the gobo image, and an operation applied to only specified layers or incrementally to an entire image since the system is programmable.

Bornhorst discloses the lighting system is a programmable system, which inherently comprises a storage means for storing the arrangements of the gobos and filter. Bornhorst does not explicitly disclose arranging the gobos and the filters in a manual or catalog. However, arranging data information in a manual or catalog is well known in the art. Thus, it would have been obvious to one ordinary skill in the art to arrange the gobos and filters in a manual or catalog so that the arrangements of the gobos and filters can be seen by the user.

8. Claims 12-13 and 36-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al.

Hunt discloses a programmable lighting system, comprising means for providing a device which shapes a stage lighting beam based on a signal that applied thereto;

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and a plurality of gobo layers, at least a first of said layers being a gobo image to shape the beam and a second layer forming a filter the gobo image produced by said first layer, said second layer operating to change the image of the first layer. The filter of the lighting system inherently includes a function of scaling or blurring the gobo image, and an operation applied to specified layers or incrementally to an entire image since the system is programmable.

Hunt discloses the lighting system is a programmable system, which inherently comprises a storage means for storing the arrangements of the gobos and filter. Hunt does not explicitly disclose arranging the gobos and the filters in a manual or catalog. However, arranging data information in a manual or catalog is well known in the art. Thus, it would have been obvious to one ordinary skill in the art to arrange the gobos and filters in a manual or catalog so that the arrangements of the gobos and filters can be seen by the user.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 703-305-4398. The examiner can normally be reached on 8:30-6:00, Alternate Monday off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Chow  
February 20, 2005



DENNIS-DOON CHOW  
PRIMARY EXAMINER